

Introduced by Senator McClintock

February 22, 2005

An act to add Section 3210 to the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 787, as amended, McClintock. Elections officials: restrictions on political activities.

Existing law prohibits a state officer or employee from engaging in activities that are inconsistent, incompatible, in conflict *with*, or inimical to his or her duties as a state officer or employee.

This bill would prohibit elections officials, as defined, from taking part in specified political activities.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3210 is added to the Government Code,
2 to read:
3 3210. (a) For purposes of this section, the following terms
4 have the following meanings:
5 (1) "Elections official" means the Secretary of State, an
6 employee of the elections division of the Secretary of State, or
7 city or county clerk who is charged with the duty of conducting
8 an election, an employee of the elections division of a city or
9 county clerk, ~~a member of the Fair Political Practices~~
10 ~~Commission, or an employee of the Fair Political Practices~~
11 ~~Commission~~, whether on active or inactive status, including any

1 person working as a retired annuitant or in any intern position for
2 the elections division of the Secretary of State; *or* the elections
3 division of a city or county clerk, ~~or the Fair Political Practices~~
4 ~~Commission.~~

5 (2) “Political organization” means any organization that has as
6 one of its principal purposes or activities the support of or
7 opposition to ballot measures or the support of or opposition to
8 candidates for public office.

9 (b) Notwithstanding Section 3203, an elections official shall
10 not engage in any of the following activities:

11 (1) Directly or indirectly urge or oppose the passage of, or
12 solicit, receive, or make a monetary contribution in support of or
13 in opposition to, ballot measures.

14 (2) Support or oppose the election of, or solicit, receive, or
15 make monetary contributions in support of or in opposition to, a
16 candidate other than himself or herself for election to any public
17 office.

18 (3) If a member of a political organization, not actively
19 participate as an officer, speaker, delegate, or alternate, or in any
20 capacity involving the performance of services in distributing
21 campaign literature or organizing, collecting funds for, or
22 conducting or assisting in conducting a campaign to support or
23 oppose a ballot measure or for the election of a candidate other
24 than himself or herself.